

1 MS. LANCASTER: Your Honor, true is not a legal
2 conclusion. It is either true or it is not true.

3 MR. ROMNEY: Your Honor, an opposition is a
4 pleading which states legal positions of the parties. And
5 she, this witness may or may not have any idea whether those
6 pleadings, whether those statements are true legal
7 conclusions or not.

8 JUDGE STEINBERG: Well, if you limit it to whether
9 it contains facts that the witness might remember
10 differently, then I will let you ask her that.

11 MS. LANCASTER: Okay.

12 BY MS. LANCASTER:

13 Q Does it contain any facts, state any facts that
14 you might remember differently?

15 A I read the document last Thursday. I don't
16 remember what all it said. I can reread it. I just
17 remember I had never seen it before.

18 JUDGE STEINBERG: Do you want to direct Mrs.
19 Brasher's attention to particular sentences?

20 MS. LANCASTER: No, sir. I wanted her to -- you
21 know, we asked before coming on, Your Honor, if she had an
22 opportunity to review these documents. And her attorneys
23 indicated that she had reviewed these documents. So I was
24 not expecting to have to reread all of them.

25 JUDGE STEINBERG: Well, I read these documents

1 when they were, when they came in, and that was weeks ago.
2 I could not tell you what a lot of them said without
3 refreshing my recollection. So, you know, I do not think
4 that it is unreasonable, I do not think the answer was
5 unreasonable.

6 MS. LANCASTER: I will just, will go on, Your
7 Honor. I may come back to this and ask --

8 JUDGE STEINBERG: Fine.

9 MS. LANCASTER: -- that if we take a break, that
10 she go back and look at these documents again to refresh her
11 memory.

12 JUDGE STEINBERG: Well, I would like to take a
13 break at around 2:30. If you want to give the witness'
14 counsel a list of the documents that you would like to have
15 her review, and state the reason for the review so that the
16 witness would know what to be looking for, then I would not
17 have any problem with that.

18 Would anybody else?

19 MR. PEDIGO: That is fine, Your Honor.

20 MR. ROMNEY: Only to the extent that this is an
21 exercise in futility or a waste of time. You know, if all
22 they are going to ask her is -- I am not trying to try the
23 case for them, Your Honor. But you know, I think this --

24 MS. LANCASTER: Your Honor --

25 MR. ROMNEY: -- is taking a lot more time than it

1 needs to take.

2 MS. LANCASTER: And no one else has done that,
3 Your Honor.

4 JUDGE STEINBERG: Well, let's, let's just stick to
5 the issues, and not get into other matters.

6 If you want to do that, you have the leeway to do
7 it. If you want to direct the witness to particular facts,
8 particular points. But if you are going to ask if there are
9 any facts contained in documents that she thinks, in which
10 she thinks the documents are accurate, then she is going to
11 be given an opportunity to read the documents.

12 MS. LANCASTER: Yes, sir, I thought we had done
13 that.

14 JUDGE STEINBERG: And I am thinking maybe this
15 should have been done during the course of the deposition,
16 so
17 that --

18 MS. LANCASTER: It was, Your Honor.

19 JUDGE STEINBERG: Well, then --

20 MR. PEDIGO: Objection, Your Honor. It was not
21 done.

22 MS. LANCASTER: Your Honor, it was done.
23 Mr. Knowles-Kellett gave her copies of the documents and
24 asked her to read them and be familiar with them.

25 JUDGE STEINBERG: Well, perhaps during the break

1 we can pick up the deposition, direct everyone's attention
2 to those pages, and submit the deposition in evidence or
3 stipulation of evidence that says Mrs. Brasher reviewed the
4 opposition to whatever it was, filed November 25, 1997,
5 during her deposition, and her testimony was that she did
6 not see any facts that differ from her recollection, or she
7 did. I mean, if that is what you want to do, fine.

8 MS. LANCASTER: Your Honor, there is no -- no, I
9 am not trying to use the deposition, Your Honor. She was
10 asked to review the documents earlier. And as a matter of
11 fact, before we came in here I talked to her attorneys, and
12 it was certainly my impression that she had reviewed the
13 documents.

14 I am not trying to be difficult. We tried to do
15 this before she was put on the stand.

16 JUDGE STEINBERG: Okay. Well, you did review --

17 MS. LANCASTER: I did.

18 JUDGE STEINBERG: -- instruct her? Did anybody
19 tell you what to look for when you read them?

20 THE WITNESS: No. But Mr. Knowles asked me
21 Thursday morning to review these documents so that whenever
22 I got ready to testify that afternoon, I could testify to
23 them. I would have been ready to testify to them Thursday
24 afternoon. I don't remember what I read Thursday morning on
25 Tuesday.

1 JUDGE STEINBERG: That is a perfectly reasonable
2 answer. And so we will take a break, 15 minutes. And then
3 you can give Mr. Pedigo a list of the documents that you
4 want
5 Mrs. Brasher to review, and Mrs. Brasher can review it
6 again. And I, pay particular attention to the facts and not
7 the legal arguments. And look to see if there is any fact
8 in there that you might remember differently today, you
9 know, that you might remember differently than the facts
10 that were stated in the document you are reviewing.

11 I mean, because I think that is what the questions
12 are going to be. If that is not what the questions are
13 going to be, then that might be a waste of time, too.

14 But okay, let's take 15 minutes. If you need
15 more, you have my phone number; call me up and tell me to
16 stay up there.

17 (Whereupon, a brief recess was taken.)

18 BY MS. LANCASTER:

19 Q Mrs. Brasher, did you have an opportunity to look
20 at Exhibit 2?

21 A Yes.

22 Q And I believe you testified you had never seen
23 that until last Thursday?

24 A Yes, ma'am.

25 Q After reading Exhibit 2, is there anything

1 specific contained in this document that you would disagree,
2 any statements of fact, statements of fact contained in here
3 that you would disagree with?

4 A No.

5 Q Okay. Look at Exhibit 17, please. Have you had
6 an opportunity to look at Exhibit 17?

7 A Yes.

8 Q When was the first time you saw this exhibit?

9 A Last Thursday.

10 Q And you had an opportunity just a few minutes ago
11 to review it again?

12 A Yes.

13 Q You notice that your name is mentioned in several
14 of the paragraphs of Exhibit 17?

15 A Yes, I did.

16 Q Is there anything in Exhibit 17, in the statements
17 of fact in Exhibit 17, that you would disagree with?

18 A Yes, ma'am.

19 Q Okay. Can you point those out to me?

20 A We wrote them down.

21 Q Okay.

22 A On page six --

23 JUDGE STEINBERG: Do you want to have your notes
24 furnished?

25 THE WITNESS: Yes.

1 JUDGE STEINBERG: I think that would be better.

2 MR. PEDIGO: May I approach, Your Honor?

3 JUDGE STEINBERG: Yes.

4 (Pause.)

5 THE WITNESS: Okay. On page four, 1-C. And I
6 have no, I don't know, I don't know anything about that.

7 BY MS. LANCASTER:

8 Q Okay. So you just have no knowledge --

9 A I have no knowledge.

10 Q You do not necessarily disagree with it --

11 A Right.

12 Q -- you just cannot say whether it is true or
13 false?

14 A That's correct.

15 Q Okay.

16 A On page six, 2-F. It states that I am a licensee.
17 That's incorrect.

18 Q Okay.

19 A Two-G I believe states the same thing.

20 Q Okay. Anything else?

21 A And I think that's, for the most part --

22 Q Does that mean there is more, or there is not
23 more?

24 A No, I do not think there is any more. Well --

25 Q I am sorry? Anything else in this document, this

1 exhibit, then?

2 A Not -- no.

3 Q Okay. I am not trying to trick you.

4 A I know.

5 Q I just want to make sure that you have an
6 opportunity to respond.

7 Look at Exhibit 19, which is the big exhibit, I
8 believe, the big exhibit. I told you just to look at the
9 letter that is in front of it. I believe it is pages one
10 through 11. One through 12, Bates-stamped pages one through
11 12.

12 A Okay.

13 Q Did you get an opportunity to review this
14 document?

15 A Yes.

16 Q And did you find anything, any factual statements
17 with which you would disagree in this document?

18 A It says that I am a director of DLB, and I'm not.

19 Q Okay. And that is on Bates-stamped page one? It
20 is actually the second page of the document, but --

21 A Right. Page one.

22 Q Okay.

23 A Item number two, third paragraph.

24 Q All right. Anything else?

25 A I don't know. I think that it states more than

1 once that I'm a director in here.

2 Q So any time it states that, that is incorrect?

3 A Yes, ma'am.

4 Q Okay. Anything else?

5 A No.

6 Q Okay. Mrs. Brasher, as --

7 JUDGE STEINBERG: Let me ask something.

8 MS. LANCASTER: I have got some questions about
9 this particular document.

10 JUDGE STEINBERG: Okay, then I will let you ask.

11 BY MS. LANCASTER:

12 Q As part of your duties at DLB, did you regularly
13 communicate with Jim Sumpter when he was the accountant?

14 A Yes, ma'am.

15 Q Okay. And documents went back and forth? Did you
16 have anything to do with preparing or gathering the
17 documents that were sent to Jim Sumpter?

18 A Yes.

19 Q Look at Bates-stamped page six, number eight. It
20 states there that Sumpter Public Accounting Firm was
21 informed of all major purchases of receivers, accessories,
22 and large numbers of mobile units. Is that true?

23 A I wouldn't have informed him.

24 Q So you do not know.

25 A No, I don't know.

1 Q Do you know whether or not he would be informed of
2 all purchases over \$100,000?

3 A No.

4 Q What does a large number of mobile units consist
5 of, as far as you are concerned?

6 A A hundred.

7 Q Okay. Did you ever call Jim Sumpter or Norma
8 Sumpter, or anyone in his accounting firm, to relate any of
9 this information to them?

10 A This information, meaning --

11 Q Meaning the amount of large purchases, or the
12 purchase of a large number of mobiles or a lot of equipment.

13 A I could have.

14 Q Do you recall doing that?

15 A No, ma'am.

16 Q Do you know if before you made a purchase, before
17 DLB made a purchase, was it discussed with Jim Sumpter?

18 A I wouldn't have discussed it with Jim. I would
19 have discussed it with Pat. And she could have discussed it
20 with Jim.

21 Q So you were not privy to any of the conversations
22 about these kinds of matters?

23 A Not to my knowledge.

24 Q Okay. Are you now in charge of this type of, this
25 kind of matter?

1 A I wouldn't be in charge of it, no. I would have a
2 say in it.

3 Q Do you still, at this point in time, does DLB
4 inform their accountant before they make a large purchase?

5 A We ask our accountant's advice.

6 Q Okay. Who does that? Who asks the advice?

7 A I would now. I would, now.

8 Q Okay. And you have had occasion to do that?

9 A Not recently, no.

10 Q Since you have been with DLB, have you had
11 occasion to do that?

12 A Yes, possibly.

13 Q When was the last time?

14 A At the end of the year, when we are trying to do
15 what is best for our tax records, we may talk to our
16 accountant as to what we need to purchase, whether we need
17 to hold off purchasing it. You know, that would be the time
18 of the year that we would discuss those things.

19 Q And at this point in time, you would be the person
20 that would make those phone -- would it be by phone?

21 A Yes.

22 Q And you would be the person that would make those
23 phone calls, is that correct?

24 A Yes.

25 Q But you do not recall having done that?

1 A No.

2 MS. LANCASTER: One moment.

3 BY MS. LANCASTER:

4 Q Look at page, Bates-stamped page 10, response
5 number 11. Were you ever told that any of the licensees
6 were going to be, could have free radio service?

7 A No.

8 Q As far as you know, have any of the licensees
9 whose licenses you use in the operation of DLB, have they
10 ever been provided with free radio service?

11 A No.

12 Q Look at page 11, second paragraph. I believe you
13 testified earlier that at the most you have had two phones?

14 A Two radios.

15 Q Two radios?

16 A Yes.

17 Q Read page, the second paragraph. I believe it
18 states there that it says you have had six mobile units and
19 one control station, with an installed value of
20 approximately \$5,000, and a usage value of \$175 per month.
21 Is that an accurate statement?

22 A No, ma'am.

23 Q Move to Exhibit 21, please. I believe we have
24 already covered 21; I take that back, Your Honor.

25 Does DLB keep duplicate copies of all licenses for

1 stations that DLB is operating?

2 A I don't know.

3 Q Who would keep them?

4 A We have a file in our fire safe, but I'm not sure
5 what's in it. So Ron would be responsible for putting them
6 there. I've never had an occasion to even look at them.

7 Q Do you know if DLB has management agreements with
8 the licensees whose stations are used in the operation of
9 DLB's business?

10 A I'm aware of that, yes.

11 Q How are you aware of that?

12 A Because Carolyn informed me.

13 Q Okay. Carolyn did not like it that Ron wanted her
14 to sign a management agreement, did she?

15 A No.

16 Q She made it perfectly clear that she did not want
17 to sign one, didn't she?

18 A Yes.

19 Q And she stated to you that she was insulted, she
20 took it as an insult that she had to sign a management
21 agreement?

22 A Yes.

23 Q How long have you known the Sumpters?

24 A Since David and I were married in '75.

25 Q Okay. You have a good relationship with them?

1 A Yes. Jennifer was in our wedding.

2 Q And you saw, did you see Jim and Norma on a
3 regular basis when he was the accountant for DLB?

4 A Yes.

5 Q You found him to be reliable?

6 A Yes.

7 Q Trustworthy?

8 A Yes.

9 Q They are very religious?

10 A Yes.

11 Q Of good moral character?

12 A Yes.

13 Q Any reason to -- never mind, strike that.

14 (Pause.)

15 MS. LANCASTER: One moment, Your Honor.

16 (Pause.)

17 MS. LANCASTER: I will pass the witness, Your
18 Honor.

19 JUDGE STEINBERG: Mr. Pedigo?

20 MR. PEDIGO: No questions, Your Honor.

21 JUDGE STEINBERG: Mr. Romney?

22 MR. ROMNEY: Just a few, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. ROMNEY:

25 Q You were asked at the tail end some questions

1 about Mr. Sumpter.

2 A Yes.

3 Q Do you know Jim Sumpter to be very overbearing
4 towards the other members of his family?

5 A Yes.

6 Q Do you understand that his daughters are in fear
7 of their father?

8 A As young children they were.

9 Q And do you understand that even today that they
10 defer to their father on many matters?

11 A Yes.

12 Q And are you aware that there have been concerns
13 expressed in the family of how Jim has treated his wife and
14 his daughters?

15 A I've heard that, yes.

16 Q And the concern was that he was just not nice to
17 them sometimes?

18 A Yes.

19 Q And do you also have the belief that Mrs. Norma
20 Sumpter is somewhat in fear of her husband?

21 A Yes.

22 Q And do you also have the belief that Mrs. Norma
23 Sumpter defers to her husband on many things?

24 A Yes.

25 MR. ROMNEY: Pass the witness, Your Honor.

1 JUDGE STEINBERG: I have one question. On Exhibit
2 19, remember the paragraph about the number of mobile phones
3 that you and David had?

4 THE WITNESS: Yes.

5 JUDGE STEINBERG: When you reviewed Exhibit 19,
6 why didn't you tell us that that was an error of fact?

7 THE WITNESS: I remember reading that last week.
8 I didn't read it again today. And when I saw it last week,
9 I remember reading it as an error.

10 JUDGE STEINBERG: Okay. But didn't you read
11 this -- when I say this, didn't you read the first pages of
12 Exhibit 19 during the break?

13 THE WITNESS: No, I didn't have time to read it
14 all.

15 JUDGE STEINBERG: Ms. Lancaster? Do you want to
16 think about it?

17 MS. LANCASTER: One second, Your Honor.

18 JUDGE STEINBERG: Let's go off the record.

19 (Whereupon, a brief recess was taken.)

20 JUDGE STEINBERG: Back on the record.

21 MS. LANCASTER: I have nothing further, Your
22 Honor.

23 JUDGE STEINBERG: Okay. You are excused, Mrs.
24 Brasher, and thank you very much for your testimony. I
25 appreciate it, and have a good trip back to Texas.

1 THE WITNESS: Thank you.

2 (Whereupon, the witness was excused.)

3 JUDGE STEINBERG: I know you are going to hate to
4 cross the border.

5 Okay. We will, I guess, be in recess until
6 tomorrow morning at 9 o'clock.

7 (Whereupon, at 3:10 p.m., the hearing was
8 recessed, to reconvene the following day, Wednesday,
9 March 7, 2001 at 9:00 a.m.)

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REPORTER'S CERTIFICATE

FCC DOCKET NO.: 00-156
CASE TITLE: In Re: RONALD BRASHER
HEARING DATE: March 6, 2001
LOCATION: Washington, DC

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.

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